

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT APPEAL NO.471 OF 2024 (S-RES)

C/W

CIVIL CONTEMPT PETITION NO.465 OF 2024

CIVIL CONTEMPT PETITION NO.477 OF 2024

CIVIL CONTEMPT PETITION NO.478 OF 2024

CIVIL CONTEMPT PETITION NO.484 OF 2024

WRIT APPEAL NO.508 OF 2024 (S-RES)

WRIT APPEAL NO.512 OF 2024 (S-RES)

WRIT APPEAL NO.513 OF 2024 (S-RES)

WRIT APPEAL NO.520 OF 2024 (S-RES)

IN WA NO.471/2024:

BETWEEN:

- 1 . UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION
AND LITERACY,
MINISTRY OF HUMAN RESOURCE DEVELOPMENT,
GOVERNMENT OF INDIA,
SHASTRI BHAVAN,
NEW DELHI-110 001.

- 2 . THE JOINT SECRETARY
AND DIRECTOR GENERAL
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY,

MINISTRY OF HUMAN RESOURCE DEVELOPMENT,
GOVERNMENT OF INDIA,
SHASTRI BHAVAN,
NEW DELHI-110 001.

...APPELLANTS

(BY SRI. RAJASHEKAR S., CGC)

AND:

- 1 . R. H. SUKANYA
W/O T. M. MANJUNATH
AGED ABOUT 54 YEARS
DIRECTOR
- 2 . H. JAYAMMA
W/O JAYARAMA
AGED ABOUT 58 YEARS
ASSISTANT PROGRAMME OFFICE
BENGALURU-560 023.
- 3 . N. BALASUBRAMANYA
S/O NARAYANASWAMY
AGED ABOUT 57 YEARS
ACCOUNTS CLERK.
- 4 . ASWATHAIAH
S/O ALKKANNA
AGED ABOUT 60 YEARS
LOWER DIVISION CLERK.

- 5 . G. MANJUNATH
S/O GOWDAPPA B. K.
AGED ABOUT 48 YEARS
DRIVER.
- 6 . T. M. MANJUNATH
S/O MALLAIAH
AGED ABOUT 55 YEARS
CHOWKIDAR-I
- 7 . K. H. ANANTHAIAH
S/O HANUMANTHAIAH
AGED ABOUT 62 YEARS
CHOWKIDAR -II
- 8 . S. ASADULLA KHAN
S/O SARWAR KHAN
AGED ABOUT 54 YEARS
CLASS IV STAFF.
- 9 . LOKESH V.
S/O VEERANNA
AGED ABOUT 57 YEARS
CLASS IV STAFF
- 10 . RAJESH B. P.
S/O BABU
AGED ABOUT 49 YEARS
SWEEPER

ALL ARE WORKING IN JAN SHIKSHAN SANSTHAN
(FORMERLY KNOWN AS SHRAMIK VIDYA PEETH)
OTI COMPOUND, OLD DC OFFICE,
TUMKUR-572 101.

11 . THE CHAIRMAN
JAN SHIKSHAN SANSTHAN
OTI COMPOUND,
OLD DC OFFICE,
TUMKURU-572 101.

...RESPONDENTS

(BY SMT. REVATHY ADINATHA NARDE, ADV., FOR R1;
R2 TO R11 ARE SERVED)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER
DATED 29.09.2023 PASSED BY THE LEARNED SINGLE JUDGE OF
THIS COURT IN WP NO.22289/2016 (S-RES) BY ALLOWING THE
WRIT APPEAL WITH COSTS AND THERE BY DISMISS THE WRIT
PETITION AND GRANT SUCH OTHER AND FURTHER RELIEF'S.

IN CCC NO.465/2024:

BETWEEN:

SMT. CHANDRAKANTHA
W/O U. RAGHURAM
AGED 57 YEARS
LADY PROGRAMME OFFICER

JAN SHIKSHAN SANSTHAN (JSS) COMPLEX,
KANAKAPURA MAIN ROAD
JAYANAGAR 8TH BLOCK,
38TH CROSS
BANGALORE-560 070.

...COMPLAINANT

(BY SMT. REVATHY ADINATHA NARDE, ADV.)

AND:

- 1 . SHRI. SANJAY KUMAR
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY
MINISTRY OF HUMAN RESOURCE DEVELOPMENT,
GOVERNMENT OF INDIA,
SHASTRI BHAVAN,
NEW DELHI-110 001.

- 2 . SHRI. SINGH BHATIA
THE JOINT SECRETARY & DIRECTOR GENERAL (NLMA)
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY
MINISTRY OF HUMAN RESOURCE DEVELOPMENT,
GOVERNMENT OF INDIA,
SHASTRI BHAVAN
NEW DELHI-110 001.

- 3 . SHRI. M. B. DYABERI
CHAIRPERSON
JAN SHIKSHAN SANSTHAN (JSS) COMPLEX

KANAKAPURA MAIN ROAD
JAYANAGAR 8TH BLOCK,
38TH CROSS,
BANGALORE-560 070.

4 . SMT. D. M. SHASHIKALA
THE DIRECTOR
JAN SHIKSHAN SANSTHAN (JSS) COMPLEX
KANAKAPURA MAIN ROAD
JAYANAGAR 8TH BLOCK,
38TH CROSS,
BANGALORE-560 070.

5 . SHRI. ATUL KUMAR TIWARI
MINISTRY OF SKILL
DEVELOPMENT AND ENTREPRENEURSHIP
REPRESENTED BY ITS SECRETARY
SHRAM SHAKTI BHAWAN
RAFI MARG
NEW DELHI-110 001.

ACCUSED

(BY SRI. RAJASHEKAR S., CGC FOR A1, A2 & A5;
SRI. K. ANANDA, ADV., FOR A3 & A4)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE
CONTEMPT OF COURT ACT, 1971, PRAYING TO INITIATES THE
CONTEMPT PROCEEDINGS FOR WILLFULLY DELIBERATELY
DISOBEYING THE ORDER OF THIS COURT IN WP NO.27379/2016
DATED 29.09.2023.

IN CCC NO.477/2024:**BETWEEN:**

SMT. N. S. KUSUMADEVI
W/O DR. A. AJAY,
AGED ABOUT 65 YEARS,
PROGRAMME OFFICER,
JAN SHIKSHAN SANSTHAN (JSS)
(INSTITUTE OF PEOPLE'S EDUCATION)
MAHADEVAPURA ROAD,
UDAYAGIRI,
MYSURU-570 019.

...COMPLAINANT

(BY SMT. REVATHY ADINATHA NARDE, ADV.)

AND:

- 1 . SHRI. SANJAY KUMAR
SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION
AND LITERACY,
MINISTRY OF HUMAN RESOURCE
DEVELOPMENT,
GOVERNMENT OF INDIA,
SHASTRI BHAVAN,
NEW DELHI-110 001.

- 2 . SHRI. SINGH BHATIA
THE JOINT SECRETARY AND
DIRECTOR GENERAL (NLMA),

DEPARTMENT OF SCHOOL EDUCATION
AND LITERACY,
MINISTRY OF HUMAN RESOURCE DEVELOPMENT,
GOVERNMENT OF INDIA,
SHASTRI BHAVAN,
NEW DELHI-110 001.

3 . SHRI. MANJUNATH
CHAIRMAN,
JAN SHIKSHAN SANSTHAN (JSS),
(INSTITUTE OF PEOPLE'S EDUCATION,)
MAHADEVAPURA ROAD,
UDAYAGIRI, MYSURU-570 019.

4 . SHRI. C. RAMESH
THE DIRECTOR,
JAN SHIKSHAN SANSTHAN (JSS),
(INSTITUTE OF PEOPLE'S EDUCATION),
MAHADEVAPURA ROAD,
UDAYAGIRI,
MYSURU-570 019.

...ACCUSED

(BY SRI. RAJASHEKAR S., CGC FOR A1 & A2;
SRI. K. ANANDA, ADV., FOR A3 & A4)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE
CONTEMPT OF COURTS ACT, PRAYING TO INITIATES THE
CONTEMPT PROCEEDINGS FOR WILLFULLY DELIBERATELY
DISOBEYING THE ORDER OF THIS COURT IN
W.P.NO.31292/2016 DATED 29.09.2023.

IN CCC NO.478/2024:**BETWEEN:**

- 1 . R. H. SUKANYA
W/O T. M. MANJUNATH,
AGED ABOUT 48 YEARS,
DIRECTOR

- 2 . H. JAYAMMA
W/O JAYARAMA,
AGED ABOUT 52 YEARS,
ASSISTANT PROGRAMME OFFICER

- 3 . N. BALASUBRAMANYA
S/O NARAYANASWAMY,
AGED ABOUT 51 YEARS,
ACCOUNTS CLERK

- 4 . ASWATHAIAH
S/O LAKKANNA,
AGED ABOUT 54 YEARS,
LOWER DIVISION CLERK

- 5 . G. MANJUNATH
S/O GOWDAPPA B. K.
AGED ABOUT 42 YEARS,
DRIVER

- 6 . T. M. MANJUNATH
S/O MALLAIAH,
AGED ABOUT 49 YEARS,

CHOWKIDAR-I

7 . K. H. ANANTHAIAH
S/O HANUMANTHAIAH,
AGED ABOUT 55 YEARS,
CHOWKIDAR-II

8 . S. ASADULLA KHAN
S/O SARWAR KHAN,
AGED ABOUT 48 YEARS,
CLASS IV STAFF

9 . LOKESH V.
S/O VEERANNA,
AGED ABOUT 51 YEARS,
CLASS IV STAFF

10 . RAJESH B.P.
S/O BABU
AGED ABOUT 43 YEARS,
SWEEPER

ALL ARE WORKING IN JAN SHIKSHAN SANSTHAN,
(FORMERLY KNOWN AS SHRMIK VIDYA PEETH)
DTI COMPOUND, OLD DC OFFICE,
TUMKUR-572 101.

...COMPLAINANTS

(BY SMT. REVATHY ADINATHA NARDE, ADV.)

AND:

1 . SHRI. SANJAY KUMAR
SECRETARY

DEPARTMENT OF SCHOOL EDUCATION AND LITERACY,
MINISTRY OF HUMAN RESOURCE DEVELOPMENT,
GOVERNMENT OF INDIA,
SHASTRI BHAVAN,
NEW DELHI-110 001.

- 2 . SHRI. SINGH BHATIA
THE JOINT SECRETARY AND DIRECTOR GENERAL (NLMA)
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY,
MINISTRY OF HUMAN RESOURCE DEVELOPMENT,
GOVERNMENT OF INDIA,
SHASTRI BHAVAN,
NEW DELHI-110 001.
- 3 . DR. SHIVAKUMARAI AH
CHAIRPERSON,
JAN SHIKSHAN SANSTHAN (JSS),
TUMKUR,
SIDDAGANGA NURSING COLLEGE COMPOUND,
SREE SHIVAKUMARA SWAMIJI ROAD,
B.H. ROAD, TUMKUR-572 102.
- 4 . SHRI. ATUL KUMAR TIWARI
SECRETARY
MINISTRY OF SKILL,
DEVELOPMENT AND ENTREPRENEURSHIP
SHRAM SHAKTI BHAWAN,
RAFI MARG, NEW DELHI-110 001.

...ACCUSED

(BY SRI. RAJASHEKAR S., CGC FOR A1, A2 & A4;
SRI. K. ANANDA, ADV. FOR A3)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE
CONTEMPT OF COURT ACT, PRAYING TO INITIATE THE
CONTEMPT PROCEEDINGS FOR WILLFULLY DELIBERATELY
DISOBEYING THE ORDER OF THIS COURT IN
W.P.NO.22289/2016 DATED 29.09.2023.

IN CCC NO.484/2024:

BETWEEN:

SRI. S.R. SHIVANNA SETTY
HEAD CLERK (RETIRED)
JSS, BANGALORE
R/AT NO.54
MAGADI MAIN ROAD
NEAR SHEKAR MEDICALS
BENGALURU-560 023.

SINCE DEAD BY LRS
SMT. A.H. VASANTHA KUMARI
W/O LATE S.R. SHIVANNA SETTY
AGED 64 YEARS
R/AT NO.54,
8TH CROSS
NAVRANG TEXTILES
BENGALURU - 560 023.

...COMPLAINANT

(BY SMT. REVATHY ADINATHA NARDE, ADV.)

AND:

- 1 . SHRI. SANJAY KUMAR
SECRETARY
DEPARMTENT OF SCHOOL EDUCATION AND LITERACY
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
GOVERNMENT OF INDIA
SHASTRI BHAVAN
NEW DELHI-110 001.
- 2 . SHRI. SINGH BHATIA
THE JOINT SECRETARY AND DIRECTOR GENERAL (NLMA)
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
GOVERNMENT OF INDIA
SHASTRI BHAVAN
NEW DELHI-110 001.
- 3 . SHRI. M. B. DYABERI

CHAIRMAN
JAN SHIKSHAN SANSTHAN (JSS) COMPLEX
KANAKAPURA MAIN ROAD
JAYANAGAR 8TH BLOCK
38TH CROSS
BENGALURU-560 070.

- 4 . SMT. D. M. SHASHIKALA
THE DIRECTOR
JAN SHIKSHAN SANSTHAN (JSS) COMPLEX
KANAKAPURA MAIN ROAD
JAYANAGAR 8TH BLOCK
38TH CROSS
BENGALURU-560 070.

...ACCUSED

(BY SRI. RAJASHEKAR S., CGC FOR A1 & A2;
SRI. K. ANANDA, ADV. FOR A3 & A4)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE
CONTEMPT OF COURT ACT, PRAYING TO INITIATES THE
CONTEMPT PROCEEDINGS FOR WILLFULLY AND DELIBERATELY
DISOBEYING THE ORDER OF THIS COURT IN
W.P.NO.27380/2016 DATED 29.09.2023.

IN WA NO.508/2024:

BETWEEN:

- 1 . UNION OF INDIA
REP. BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
GOVERNMENT OF INDIA, SHASTRI BHAVAN
NEW DELHI-110 001.
- 2 . THE JOINT SECRETARY AND DIRECTOR GENERAL (NLMA)
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
GOVERNMENT OF INDIA,
SHASTRI BHAVAN

NEW DELHI-110 001.

...APPELLANTS

(BY SRI. RAJASHEKAR S., CGC)

AND:

SRI. S. R. SHIVANA SETTY
S/O LATE RANGA SETTY,
SINCE DEAD BY LR,

- 1 . A. H. VASANTHA KUMARI
W/O S.R. SHIVANNA SETTY,
AGED ABOUT MAJOR,
R/AT NO.54,
MAGADI MAIN ROAD
NEAR SHEKHAR MEDICALS
BENGALURU-560 023.
- 2 . CHAIRMAN
JAN SHIKSHAN SANSTHAN (JSS) COMPLEX,
KANAKAPURA MAIN ROAD,
JAYANAGAR
8TH BLOCK
38TH CROSS,
BENGALURU-560 070.
- 3 . THE DIRECTOR
JAN SHIKSHAN SANSTHAN (JSS) COMPLEX,
KANAKAPURA MAIN ROAD,
JAYANAGAR
8TH BLOCK,
38TH CROSS,
BENGALURU-560 070.

...RESPONDENTS

(BY SMT. REVATHY ADINATHA NARDE, ADV., FOR R1;
SRI. K.ANANDA, ADV., FOR R2 & R3)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 29.09.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS COURT IN WP NO.27380/2016 (S-RES) BY ALLOWING THE WRIT APPEAL WITH COSTS AND THERE BY DISMISS THE WRIT PETITION AND ETC.

IN WA NO.512/2024:

BETWEEN:

- 1 . UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY,
MINISTRY OF HUMAN RESOURCE DEVELOPMENT,
GOVERNMENT OF INDIA,
SHASTRI BHAVN
NEW DELHI-110 001.

- 2 . THE JOINT SECRETARY AND DIRECTOR GENERAL (NLMA)
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY,
MINISTRY OF HUMAN RESOURCE DEVELOPMENT,
GOVERNMENT OF INDIA,
SHASTRI BHAVN
NEW DELHI-110 001.

- 3 . MINISTRY OF SKILL DEVELOPMENT AND
ENTREPRENEURSHIP
REPRESENTED BY ITS SECRETARY,
SHRAM SHAKTHI BHAWAN
RAFI MARG
NEW DELHI-110 001.

...APPELLANTS

(BY SRI. RAJASHEKAR S., CGC.)

AND:

- 1 . SMT. CHANDRAKANTHA
W/O U. RAGHURAM
AGED ABOUT 72 YEARS,
LADY PROGRAMME OFFICER,
JAN SHIKSHAN SANSTHAN (JSS)
COMPLEX, KANAKAPURA MAIN ROAD,
JAYANAGARA 8TH BLOCK,
38TH CROSS,
BENGALURU-560 070.

- 2 . CHAIRMAN
JAN SHIKSHAN SANSTAN (JSS) COMPLEX
KANAKAPURA MAIN ROAD
JAYANAGARA 8TH BLOCK
38TH CROSS,
BENGALURU-560 070.

- 3 . THE DIRECTOR
JAN SHIKSHAN SANSTAN (JSS) COMPLEX
KANAKAPURA MAIN ROAD
JAYANAGARA 8TH BLOCK
38TH CROSS,
BENGALURU-560 070.

...RESPONDENTS

(BY SMT. REVATHY ADINATHA NARDE, ADV., FOR R1;
SRI. K. ANANDA, ADV., FOR R2 & R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
THE ORDER DATED 29.09.2023 PASSED BY THE LEARNED
SINGLE JUDGE OF THIS COURT IN WRIT PETITION NO. 27379 OF
2016 (S-RES) BY ALLOWING THE WRIT APPEAL GRANT SUCH
OTHER AND FURTHER RELIEFS AND ETC.

IN WA 513/2024:

BETWEEN:

THE GOVERNMENT OF INDIA
SECRETARY TO THE MINISTRY OF
HUMAN RESOURCE DEVELOPMENT
SHASTRI BHAVAN
NEW DELHI-110 001.

...APPELLANT

(BY SRI. RAJASHEKAR S., CGC)

AND:

- 1 . SRI. M. GURUMURTHY
S/O LATE MUNIVENKATAPPA
AGED ABOUT 67 YEARS,
R/AT NO.32, JHUMBOSAVARI DINNE
J. P. NAGAR,
8TH PHASE,
BEHIND SAMUDA BHAVAN
BENGALURU-560 078.
- 2 . M. RAMACHANDRAIAH
S/O LATE MAHESHRAIAH
AGED ABOUT 65 YEARS
R/O NO.24, 3RD E MAIN
5TH CROSS,
R. R. LAYOUT,
BENGALURU-560 056.
- 3 . THE STATE OF KARNATAKA
ADULT EDUCATION DEPARTMENT
REPRESENTED BY ITS SECRETARY II
M. S. BUILDING,
DR. B.R AMBEDKAR VEEDHI,
BENGALURU-560 001.
- 4 . THE DIRECTOR
SHRAMIK VIDYA PEETH
CORPORATION NURSERY SCHOOL BUILDING,
BEHIND BANGALORE MEDICAL COLLEGE,

F STREET,
KALASIPALYAM
BENGALURU-560 002.

- 5 . THE CHAIRMAN/SECRETARY
J.S.S. JAN SHIKSHAN SANSTHA,
J.S.S. INSTITUTION,
38TH CROSS, KANAKPURA ROAD,
JAYANAGAR 8TH BLOCK,
BENGALURU-560 082.

...RESPONDENTS

(BY SRI. VINAYA KUMAR N. D., ADV., FOR R1;
SMT. PRAMODHINI KISHAN, AGA FOR R3;
SRI. K. ANANDA, ADV., FOR R4 & R5)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 29.09.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS COURT IN WP NO.59783/2015 (S-RES) BY ALLOWING THE WRIT APPEAL WITH COSTS AND THERE BY DISMISS THE WRIT PETITION AND GRANT SUCH OTHER AND FURTHER RELIEFS.

IN WA NO.520/2024:

BETWEEN:

- 1 . UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
GOVERNMENT OF INDIA,
SHASTRI BHAVAN, NEW DELHI-110 001.

2 . THE JOINT SECRETARY AND
DIRECTOR GENERAL (NLMA)
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
GOVERNMENT OF INDIA ,
SHASTRI BHAVAN
NEW DELHI-110 001.

...APPELLANTS

(BY SRI. RAJASHEKAR S., CGC)

AND:

- 1 . SMT. N.S. KUSUMADEVI
W/O DR. A. AJAY
AGED ABOUT 68 YEARS,
PROGRAMME OFFICER
JAN SHIKSHAN SANSTHAN (JSS)
(INSTITUTE OF PEOPLE'S EDUCATION)
MAHADEVAPURA ROAD,
UDAYAGIRI, MYSURU-570 019.
- 2 . CHAIRMAN
JAN SHIKSHAN SANSTHAN (JSS)
(INSTITUTE OF PEOPLE'S EDUCATION)
MAHADEVAPURA ROAD,
UDAYAGIRI, MYSURU-570 019.
3. THE DIRECTOR
JAN SHIKSHAN SANSTHAN
(INSTITUTE OF PEOPLE'S EDUCATION)

MAHADEVAPURA ROAD,
UDAYAGIRI,
MYSURU-570 019.

...RESPONDENTS

(BY SMT. REVATHY ADINATHA NARDE, ADV., FOR R1;
SRI. K. ANANDA, ADV. FOR R2 & R3)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 29.09.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS COURT IN WRIT PETITION NO.31292 OF 2016 (S-RES) BY ALLOWING THE WRIT APPEAL AND THERE BY DISMISS THE WRIT PETITION AND GRANT SUCH OTHER AND FURTHER RELIEF'S AND ETC.

THESE WRIT APPEALS AND CIVIL CONTEMPT PETITIONS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 10.02.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
AND
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

These Writ Appeals are preferred against the common order dated 29.09.2023 passed by the learned Single Judge in Writ Petitions No.27379/2016 (S-RES) c/w. 59783/2015 (S-RES), 22289/2016 (S-RES), 27380/2016 (S-R) and 31292/2016 (S-RES) and the Contempt of Court Cases are filed alleging disobedience of the same orders.

2. We have heard Shri. Rajashekar. S, learned Central Government Counsel appearing for Union of India.

Smt. Revathy Adinatha Narde, learned counsel appearing for the private respondents/complainants. Shri. Vinaya Kumar N.D, learned counsel appearing for the private respondent in Writ Appeal No.513/2024.

Smt. Pramodhini Kishan, learned Additional Government Advocate appearing for the State and Shri. K. Ananda, learned counsel appearing for Jan Shikshan Sansthan and respondent No.4 (Shramik Vidyapeeths) in Writ Appeal No.513/2024.

3. It is contended by the learned Central Government Counsel appearing for the appellants/Union of India that the appellants have no quarrel with the proposition that the regular employees of the Shramik Vidyapeeths ('SVPs' for short) are entitled to scales of pay at par with Central Government employees in comparable posts. It is submitted that the proposition that since all Central Pay Commission ('CPC' for short) benefits till the 4th CPC had been made available to them, the benefits of the 5th, 6th and 7th CPCs have also to be extended to regular employees of the SVPs is not disputed. However, it is submitted that the Union of India has filed the appeal only as against the finding rendered by the learned Single Judge that the Union of India is, in essence, the principal employer of all employees of the SVPs and that the Union of India is responsible to pay the employees who had been appointed pursuant to the Scheme floated through the SVPs. It is submitted that the Jan Shikshan Sansthan ('JSS' for short) and the SVPs were set up as part of a Scheme formulated by the Union of India. The specific terms and conditions, on

which the Scheme was to operate, have been specifically provided by the Government and undergo revisions from time to time.

4. It is contended that those of the writ petitioners who had been appointed directly to administrative posts on a scale of pay as per Annexure - A Scheme, which was in existence till the year 1997 would be entitled to the scale of pay and benefits at par with Government employees holding comparable posts. However, it is contended that an Annexure-R6 produced along with the Statement of Objections filed by the Union of India would clearly show that the Scheme had been amended comprehensively in the year 1995. These guidelines provide for pay scales and allowances in the suggestive pattern as those prevailed in the Central Government. However, each SVPs has the option to adopt the Central Government scales of pay and allowances or those applicable in the State Governments concerned or those applicable for employees of the Autonomous Boards.

5. It is contended that a perusal of Annexure - A Scheme itself would show that the SVPs were set up by the Ministry of Education and Culture as independent bodies under a separate Board of Management and were to be governed in accordance with the approved pattern prescribed in the guidelines. The SVPs were required to adopt only central pay scales and allowances. Annexure - A, communication is dated 22.06.1984. However, it is contended that by Annexure - R6 produced along with the Statement of Objections filed by the Union of India, the Scheme was completely changed. It is submitted that the guidelines were revised and the annual grants in respect of the SVPs were fixed taking note of the year in which they were set up. Clause 5 of Annexure - R6 specifically provided that the SVPs shall engage staff only on lump-sum emoluments basis and the past practice of engaging staff on regular scales of pay will be discontinued. However, it was provided that the SVPs may grant scales of pay to core group of employees, provided, the scale shall not be more than the scales of pay of Government of India for

comparable posts. It is therefore submitted that the employees of the SVPs were not the Government employees and the scales of pay, if any, granted to some of the employees under Annexure - A Scheme cannot enure to the benefit of all employees of the SVPs, some of whom are appointed on lump-sum pay basis. It is therefore contended that the finding of the learned Single Judge, that the Union of India is deemed to be the principal employer of the employees of SVPs is, completely unwarranted and is opposed to the factual situation as is evident from the materials on record.

6. The learned counsel for the private respondents on the other hand, contends, that the respondents are persons appointed to administrative posts directly under the JSS and were appointed on a scale of pay basis itself as is evident from Annexure-B. It is contended that all the respondents were appointed before the revised guidelines came into force and against specified scales of pay and had been granted the benefit of pay revisions till the 4th CPC. It is submitted that there is absolutely no justification for

denying the benefit of the 5th CPC onwards to the writ petitioners who are held entitled to the benefit of the scales of pay as applicable to the Central Government employees.

7. The learned counsel appearing for JSS submits that the SVPs are functioning under a Scheme formulated by the Central Government and have no funds other than those allotted by the Government. It is submitted that SVPs are functioning as provided under the revised guidelines formulated by the Government and that the pay and allowances can be released only as approved by the Central Government under the Scheme.

8. We have considered the contentions advanced. It is clear that Annexure - A was the Scheme under which the writ petitioners were appointed. Annexure - B, which is an appointment Order issued in respect of one of the writ petitioners (Ms.R.H.Sukanya) would show that the appointment was made on 24.09.1994 as Programme Officer in the specific scale of pay of Rs.2200-75-2800-EB-100-4000 plus allowances. The appointment was temporary and subject to conditions to be prescribed by the Ministry of

Human Resource Development, Department of Education, Government of India. It was also provided that the employee will be on probation for a period of two years. The appointment Order is issued by the Director of the SVPs. It is therefore clear that the appointments are regular appointments made by the SVPs to administrative posts in a scale of pay. It is also clear that the benefits of the successive pay revisions including the 4th CPC were extended to the writ petitioners.

9. Annexure - A, Scheme admittedly provided for appointment of employees under Central Government scales of pay. The writ petitioners are persons employed on such scales of pay. Annexure - R6 are the guidelines for the revised financial pattern of SVPs, which was issued on 19.01.1995. Clause 5 of Annexure - R6 reads as follows:-

"5. SVP will be expected to engage staff only on lump-sum emoluments basis and the past practice of engaging staff on regular scales of pay will have to be discontinued. However, having regard to the need to have a core group of staff by engaging competent and experienced personnel, the SVP, if it so wishes, may give scales of pay to their employees but in no case the scales of pay, if sanctioned by the SVP, be more than

the scales of pay of Government of India for comparable posts. The underlying principle being that regular staff should be kept to the minimum and as far as possible, supportive academic and administrative personnel should be engaged on short-term contract basis on consolidated salary."

It is therefore clear that permission had been granted by the Government under the Scheme to the SVPs to appoint employees on a scale of pay basis, provided, the scales did not exceed the Central Government scales of pay for comparable posts.

10. As no appeal is preferred by the Director and since the appeal preferred by the Union of India is limited to the question of the status of the employees of the SVPs, we are of the opinion that the entitlement of the writ petitioners, who were appointed against the administrative posts on a scale of pay to the benefits of the successive CPCs cannot be denied to them. However, we also notice that the appointments are those made by the SVPs and the fact that they have been appointed on a scale of pay as permitted at the relevant time by the conditions of the Scheme and the Guidelines cannot be a reason to hold that

they are employees of the Central Government either directly or otherwise. The result of the foregoing discussion is that the writ petitioners who were appointed to administrative posts under the SVPs will be entitled to pay revisions at par with Central Government employees as has been done in the past. However, we are of the opinion that the finding of the learned Single Judge that the employees of the SVPs are to be treated as Central Government employees and that the Union Government is to be treated as their principal employer is not supported by the terms of the Schemes or the Guidelines, which are on record.

11. In the above view of the matter, the finding recorded by the learned Single Judge that Union of India was in essence the principal employer of the employees of the SVPs, is set aside. However, we notice that since the writ petitioners were employees engaged on a scale of pay, they would be entitled to the benefits as extended to similarly placed Central Government employees holding comparable posts *dehors* the annual grant limits made to the SVPs. The Union Government shall extend necessary

grant so as to permit the grant of the successive pay revisions to the private respondents herein, who were specifically appointed as permitted by the Central Government in administrative posts and on specific scales of pay.

12. In the result:-

- (i) The appeals are ***allowed only to the limited extent*** of vacating the finding that the Union of India is the principal employer of the employees of the SVPs.
- (ii) The directions issued by the learned Single Judge to grant the benefits of the 5th and 6th CPCs to the writ petitioners is upheld.
- (iii) The amounts due to the writ petitioners shall be calculated and disbursed within a period of two months from the date of receipt of a copy of this judgment.
- (iv) It is made clear that Grants necessary for making the payments shall be advanced by the appellants so as to enable the Director to make such payments.

- (v) The Contempt of Court Cases are closed with liberty to reopen the matters if the payments are not made as directed above.

All pending interlocutory applications in all the matters shall stand *disposed of*.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

cp*